

## **REMARKS**

### **The Amendments**

The claims are amended to render the sole remaining ground of rejection under 35 U.S.C. §112 moot. The amendment should not be considered as an acquiescence in the rejection, however, since applicants may prosecute the canceled subject matter in one or more continuing and/or divisional applications.

It is submitted that the above amendments would put the application in condition for allowance. The amendments do not raise new issues or present new matter and do not present additional claims. The amendments have been made to direct the claims to the subject matter which appears from the Final action to be in condition for allowance. Thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The Rejection under 35 U.S.C. §112**

The rejection of claims 1-3, 8, 10, 12 and 16-20 under 35 U.S.C. §112, first paragraph, for lack of enablement, is believed to be rendered moot by the above amendments. The Office action alleges that the lack of enablement only applies to the embodiments where R4 is one of the groups XI-XIV or XXVII-XXX. These groups are canceled from the definition of R4 and the groups corresponding to these groups are removed from the definition of R4 in the dependent claims. The R4 groups no longer encompass groups where R4 is bound via a C atom. There is no allegation that the subject matter of the claims as

amended above lack enablement. Thus, the rejection should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/

---

John A. Sopp, Reg. No. 33,103  
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: 01-1419

Date: February 4, 2009  
JAS:sb